

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

LUIS MENDOZA,

Plaintiff,

v.

JORDAN FOSTER CONSTRUCTION,  
LLC,

Defendant.

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EP-21-CV-00267-FM

**FINAL JUDGMENT**

Before the court is “Plaintiff’s Unopposed Motion for Dismissal Without Prejudice” (“Motion”) [ECF No. 5], filed December 8, 2021 by Luis Mendoza (“Plaintiff”). Therein, Plaintiff states he “desires to dismiss his pending claims without prejudice” pursuant to Federal Rule of Civil Procedure (“Rule”) 41(a)(2).<sup>1</sup>

The court finds Rule 41(a)(1)(A)(ii) is the appropriate provision to dismiss Plaintiff’s claims. Rule 41(a)(1)(A)(ii) states “the plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal signed by all parties who have appeared.” The Motion is signed by counsel for Plaintiff and Defendant Jordan Foster Construction, LLC.<sup>2</sup> Accordingly, the court enters its Final Judgment pursuant to Federal Rule of Civil Procedure 58 as follows:

1. It is **HEREBY ORDERED** that the cause is **DISMISSED WITHOUT PREJUDICE**.
2. It is **FURTHER ORDERED** that all pending motions, if any, are **DENIED AS MOOT**.
3. The Clerk of the Court is **INSTRUCTED TO CLOSE** the cause.

**SIGNED AND ENTERED** this 26 day of January 2022.

  
FRANK MONTALVO  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> “Plaintiff’s Unopposed Motion for Dismissal Without Prejudice” 1, ECF No. 5, filed Dec. 8, 2021.

<sup>2</sup> *Id.* at 2.